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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,587	11/13/2000	Ammar Derraa	MI30-052	8262

21567 7590 12/29/2005

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EXAMINER

ROSE, KIESHA L

ART UNIT PAPER NUMBER

2822

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/711,587	Applicant(s) DERRAA, AMMAR	
	Examiner Kiesha L. Rose	Art Unit 2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/13/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 78-84 is/are allowed.
- 6) ☒ Claim(s) 63-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed 13 October 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent 5,401,676) in view of Jones (U.S. Patent 5,619,097).

Lee discloses an emission device (Fig. 3) that contains a plurality of silicon-comprising emitter tips (37), at least one of the emitter tips being substantially conical and comprising a tip portion supported by a frustum portion (base area under tip), the tip and frustum portions including sidewalls and a coating (40) over the tip portion, the coating not being along the frustum portion sidewalls but along the tip portion sidewall and comprises a first material having a lower work function than silicon, the tip portion terminates in a pointed apex. Lee discloses all the limitations except for the coating to comprise diamond, boron nitride or cesium. Whereas Jones discloses an emitter device (Fig. 107) that contains an emitter (13) with a tip and a coating (8) formed on the tip sidewall, where the coating comprises diamond, boron nitride or cesium. The coating comprises diamond, boron nitride or cesium since they are low work function material.

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(Column 9, line 5, column 22, lines 8-9, column 36, line 15) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lee by incorporating the coating to comprise diamond, boron nitride or cesium since they are low work function materials as taught by Jones.

Allowable Subject Matter

Claims 78-84 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 78-84 are allowable because prior art does not disclose alone or in combination along with the limitations of the independent claim such as material over the substrate and between at least two of the emitter tips, where the material has an upper surface and edges contacting the frustum portion sidewall without contacting the tip portion sidewall, wherein the entirety of the upper surface is exposed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 13 October 2005 have been fully considered but they are not persuasive. Applicant argues that the Jones reference does not disclose the inclinatory deposition to form the first material like the Lee reference. The claim does

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not disclose the first material to be inclinantly deposited and how the first material is formed is a process limitation. There is motivation to combine the Lee reference and the Jones reference since they are in the same field of endeavor referring to emitters. In addition they both have first materials formed over the tip of the emitter and the materials are both low work function materials, where the Jones reference is disclosing other low work function materials that can be formed on the emitter. Therefore the Lee and Jones reference can be combined and do disclose a first material comprising one or more of diamond, boron or cesium. Therefore the rejection stands.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

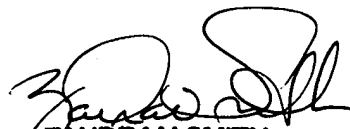
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiesha L. Rose whose telephone number is 571-272-1844. The examiner can normally be reached on T-F 8:30-6:00 off Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KR
KLR


ZANDRA V. SMITH
PRIMARY EXAMINER
Dec. 22, 2005